



# Notley High School & Braintree Sixth Form

## Transgender Student Policy

<b>Last reviewed:</b>	May 2024
<b>Next review due:</b>	May 2025
<b>Ratified Full Governors:</b>	May 2024
<b>Designated Postholder:</b>	Deputy Headteacher

## **Teaching and Learning Introduction**

The purpose of the Policy is to support transgender and gender-questioning students, staff members and wider stakeholders and to prevent transphobia in our school. It seeks to minimise the distress and disruption to any learner or staff member involved by:

- Ensuring staff and governors/trustees are dealing with Transgender matters inclusively and sensitively
- Providing an inclusive environment for any Transgender learner or staff member
- Ensuring all staff and learners are aware of and educated on issues of Transgender.

## **Definition of Transgender**

'Transgender' and 'trans' describe people whose sense of gender is deemed as being different to the sex they were assigned at birth. However, wherever possible, individuals should be given opportunities to say how they identify or describe themselves. This is called 'self-identified gender'. When considering trans identities, it is important to understand that there is a difference between sex and gender. Sex refers to our biology (chromosomal make up, genitalia, hormones) and as such is often used in reference to the physical anatomy of a person (for example, male, female or intersex). Gender identity is understood as our internal sense of self as well as how we express ourselves. Young people may question their gender identity for a range of reasons and this may not mean they are definitely trans or will go on to transition. Some people who consider their gender identity to be fluid may use the term gender queer or gender fluid or non-binary to describe themselves. They may also use gender-neutral pronouns (for example, 'they' or 'them') or prefer people to not use any pronouns to describe them.

## **Gender identity and sexual orientation**

Gender identity concerns your internal sense of self. This is completely different to sexual orientation, which concerns who you are attracted to. While gender identity and sexual orientation are very different, there is a relationship between transphobia, biphobia and homophobia. Trans people often experience homophobic abuse, and lesbian, gay and bisexual people will often experience discrimination based on their gender presentation.

## **Equality Act 2010**

Under the Equality Act 2010, the Public Sector Equality Duty requires public bodies (including schools and education settings) to:

- Eliminate discrimination, victimisation and harassment
- Advance equality of opportunity
- Foster good relations between persons who share a relevant protected characteristic and persons who do not. It also requires education settings to have equality objectives and information published on their websites. The Equality Act 2010 provides protection from discrimination in relation to the following "protected characteristics":

- Age
- Disability
- Gender reassignment
- Married or civil partnership
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

There is no hierarchy to the characteristics included in the Equality Act 2010, and all work on inclusion should aim to raise awareness, empathy, respect and understanding in order to foster good relations between different groups.

The Equality Act 2010 (section 7) protects people with the protected characteristic of gender reassignment, which is defined by the act as follows: “A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex”. As Department for Education Guidance on the Equality Act 2010 states “This definition means that in order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so”.

### **Ofsted Education Inspection Framework**

Under the Ofsted Education Inspection Framework (2022), inspectors will assess the extent to which the school complies with the relevant legal duties under the Equality Act 2010, including advancing equality of opportunity and taking positive steps to eliminate discrimination, victimisation and harassment. One of the ways that the effectiveness of leadership and management is evaluated is by the active promotion of equality and diversity, tackling bullying and discrimination and narrowing any gaps in achievement between groups or learners. The framework also states that schools will be judged on pupils’ understanding of the protected characteristics and how equality and diversity are promoted.

### **Safeguarding**

Our school will follow the DfE statutory safeguarding guidance. Current guidance recognises that sexual identity could make a child more vulnerable to exploitation (KCSIE 2022).

The guidance highlights how emotional abuse is a safeguarding issue and “may involve serious bullying (including cyberbullying)”.

Our school is working to ensure that their whole school environment is supportive to trans and gender-questioning children and young people, by:

- A culture and whole school environment that celebrates difference and diversity and one in which all children and young people can see themselves reflected and valued
- Systems and processes, which support vulnerable learners

- Effective anti-bullying and equality policies, which ensure the whole school community challenges, records bullying, and prejudice-based incidents effectively and are confident in challenging sexist and homophobic bullying
- Ensuring the curriculum provides opportunities to challenge stereotypes, including those based on gender, and avoids making assumptions about sex, gender, gender identity and sexual orientation
- Having positive relationships with learners, parents and carers. Listen and respond to individual needs and preferences. Preventing transphobia and supporting trans learners. As with any child or children with a protected characteristic, a whole school approach is needed to support and keep them safe.
- Acknowledge there will be trans people within the school community as parents and carers, staff, governors and children and young people, and that they will positively enrich the school community
- Closely monitor all areas of the curriculum and resources to ensure that they do not contain gender stereotypes or transphobic material
- Ensure that the curriculum and in particular PSHE and RSE are used to challenge gender stereotypes, support the development of a positive sense of gender identity, develop understanding of trans issues and prevent transphobia.
- Effectively challenge, record and deal with gender based and transphobic abuse, harassment and bullying (e.g. name-calling, derogatory jokes, graffiti, unacceptable or unwanted behaviour, intrusive questions) as well as monitoring incidences of transphobic abuse, harassment and bullying, and use this information to inform whole school developments
- Making reasonable adjustments to accommodate absence requests for treatment and external sources in line with the attendance policy. Sensitive care will be taken when recording the reason for absence.
- Responding to bullying: any form of bullying towards transgender or transitioning learners will be taken seriously. All employees have a responsibility to support learners and must report any incident of bullying in accordance with policy.

### **Confidentiality, Information Sharing and GDPR:**

All people, including children and young people, have a right to privacy. This includes the right to keep private one's gender identity at school. Information about a child/young person's transgender status, legal name, or sex assigned at birth may also constitute confidential information. A child or young person being trans or questioning their gender identity does not constitute a safeguarding concern or something where the child's parents or carers have to be informed. Action on informing parents and carers should only be initiated when a child has proactively requested to socially transition. The exception to this is the very rare situation where informing parents might raise a significant risk of harm to the child. Children and young people should be supported to communicate openly with their parents and carers whilst not pressing them to do so. Schools and education settings may need to refer to Gillick competency and Fraser guidelines to support them with decision making about children/young people's competence to make decisions for themselves. Staff should not disclose information that may reveal a child or young person's trans status to others, including parents/carers, unless legally required to do so or if the child or young person has agreed in writing for the information to be shared. In the case of a safeguarding

concern, there may be circumstances where sharing information between professionals is appropriate or necessary.

Staff must not discuss trans or gender questioning children/young people outside of school with friends or family members, even when making no particular reference to their name or personal details. When a child/young person initially discloses their trans status, it is important to talk to them about confidentiality and who, if anyone, they would like information to be shared with.

Under GDPR Article 9, 'special category data' relates to more sensitive topics, which may pose a risk to people's privacy and which can only be processed under certain conditions. Although regulations do not specifically mention trans, they cover gender as special category data therefore information relating to a child/young person's trans status is of a sensitive nature and may be treated as 'special category data'. This does not prevent processing or sharing; but it requires particular diligence to security and privacy when doing so. Such data should not be processed when there is no need to do so, but may be essential to safeguarding, for example, and should be managed accordingly.

#### Name Changing and Exam Certification

If a Transgender student wishes to have their preferred name recognised on school systems, this will be supported and will appear on letters home and reports cycles etc. Furthermore, the change of name and associated gender identity will be respected and accommodated by the school. It is an indicator that the Transgender student is taking steps to, or proposing to move towards a gender they feel they wish to live in. A student can choose to change their gender on Arbor; in this case, a student's preferred gender will be reported to the Department for Education and the local authority via the school census, three times a year.

Technically, students can be entered for an external examination under any name. However, the implications are very complex. Once a result is accredited it will need to be linked with the Unique Pupil Number (UPN) or Unique Learner Number (ULN) which appeared in the school census submitted in January of the examination year. UPNs and ULNs are only linked with legal names, not preferred names. It may still be possible for an examination certificate to be issued in the preferred name, but any young person finding themselves in this position should discuss this issue with the school in good time and preferably in Year 10 or Year 12. Schools need to be aware that the DfE analysis of school performance may still present the student in the gender registered by their UPN.

It is possible for any school document to be changed to reflect the chosen name of the young person. Changing the gender recorded on a birth certificate, however, is not possible until a Gender Recognition Certificate has been issued. In order to change a name on other official documents such as a passport, it might be necessary for evidence of change of name to be produced: there are two main ways in which this can be done, by deed poll and by statutory declaration. A person under 16 years of age cannot change their name legally without the consent of a parent or carer.

This policy was agreed and will be reviewed annually by the LGC.